

[OCSPP letterhead]

Hon. Paul Tonko, Chairman  
Environment & Climate Change Subcommittee  
Committee on Energy and Commerce  
U.S. House of Representatives  
2125 Rayburn House Office Building  
Washington, DC 20515

Hon. John Shimkus, Ranking Member  
Environment & Climate Change Subcommittee  
Committee on Energy and Commerce  
U.S. House of Representatives  
2322 Rayburn House Office Building  
Washington, DC 20515

March 12, 2019

Dear Chairman Tonko and Ranking Member Shimkus,

I am writing in consideration of the March 13, 2019, Subcommittee hearing entitled *Mismanaging Chemical Risks: EPA's Failure to Protect Workers*. Protecting workers is of the utmost importance to EPA and is a key component of our Agency's mission to protect public health and the environment. This letter provides highlights and examples of the Agency's considerations when assessing the safety and protection of workers under our pesticides and chemicals programs.

You both were instrumental in achieving passage of the *Frank R. Lautenberg Chemical Safety for the 21<sup>st</sup> Century Act (Act)*, which amended the Toxic Substances Control Act (TSCA). As you know, EPA's implementation of the *Act* provides meaningful opportunities for the Agency to take proactive steps to protect workers. The *Act* requires EPA to determine whether a chemical substance presents or may present an unreasonable risk to "a potentially exposed or susceptible subpopulation identified as relevant to the risk evaluation" by the Agency. Those populations include workers. Therefore, considering worker protection is an important element of implementing TSCA for existing as well as new chemical substances and EPA takes that work seriously. I am pleased to offer in this letter several examples of how we are achieving this important outcome.

For the first ten existing chemicals undergoing risk evaluation under section 6 of TSCA, EPA is considering both workers directly involved with the chemicals and occupational non-users – that is, workers who do not directly handle the chemical but who perform work in an area where the chemical is used. When conducting assessments for workers and occupational non-users, EPA is considering data, when available, from federal partners such as the Occupational Safety and Health Administration (OSHA) and the National Institute for Occupational Safety and Health (NIOSH). In the problem formulation documents EPA issued on the first ten chemicals, worker

exposure is an important consideration for many of the chemicals. Hence, every problem formulation document includes an occupational exposure section that describes the worker activities, exposure pathways and routes of exposure that EPA intends to assess, which is specific for each chemical.

As EPA evaluates new chemicals under section 5 of TSCA before they enter the market, we explicitly consider exposures and potential risks to workers. In new chemical assessments, we consider the intended conditions of use to be the circumstances around manufacture, processing, distribution in commerce, use, or disposal as stated by the submitter in the original or amended submission. EPA also considers reasonably foreseen conditions of use identified by the Agency in its expert evaluation. EPA's identification of conditions of use includes the expectation of compliance with federal and state laws, such as worker protection standards or disposal restrictions, unless case-specific facts indicate otherwise. For example – both prior to and since the recent amendments of TSCA – EPA's review considers engineering controls and use of personal protective equipment (PPE) in the workplace as described in the submitter's premanufacture notice (PMN). EPA also developed a predictive tool, ChemSTEER (Chemical Screening Tool for Exposures and Environmental Releases<sup>[1]</sup>), specifically to estimate occupational exposures to a new chemical substance.

In addition to the significant opportunities presented in the Act to protect workers, it is important to note that our office also has responsibility for pesticide review and registration. Just last week, President Trump signed into law the *Pesticide Registration Improvement Extension Act of 2018 (PRIA 4)*. PRIA 4's passage was supported by farmers and ranchers, environmental justice and worker protection organizations, and a broad array of manufacturers, many of which participated in a PRIA Coalition – including the United Farm Workers. PRIA 4 provides important additional resources to EPA to help ensure that training and educational materials are available to help workers protect themselves from pesticide exposures. PRIA 4 also ensures that significant enhancements to the Agricultural Worker Protection Standard and the Certification of Pesticide Applicators Rule remain in place.

Across its chemicals-related programs, EPA is committed to evaluating chemicals to determine whether they present risks to workers and if they do, to address those risks. We appreciate the support and interest of the Subcommittee and welcome the opportunity to have further dialogue with you on this important issue.

Sincerely,

Alexandra Dapolito Dunn  
Assistant Administrator

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<sup>[1]</sup> [ HYPERLINK "<https://www.epa.gov/tsca-screening-tools/chemsteer-chemical-screening-tool-exposures-and-environmental-releases>" ]